

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

GUSTAVO VILLA-GARCIA,

Defendant(s).

Case No. 2:16-CR-6 JCM (PAL)

ORDER

Presently before the court is the matter of *United States v. Villa Garcia*, case number 2:16-cr-00006-JCM-PAL.

On July 7, 2016, the government sought leave to dismiss the indictment against defendant Gustavo Villa Garcia pursuant to Federal Rule of Criminal Procedure 48(a), which provides that the “government may, with leave of court, dismiss an indictment.” (ECF No. 38). The next day, the court granted the government leave to file the dismissal. (ECF No. 39).

In the instant motion, defendant requests the order of dismissal include a finding that the November 24, 1999, deport order is invalid. (ECF No. 40).

In response, the government contends that no further order is required from the court because, as the record reflects, the indictment was dismissed on July 8, 2016, when the court granted the government leave to dismiss the indictment. (ECF No. 42). Further, the government argues that the court should not enter such a finding as the issue was not litigated before the court. The court agrees.

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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion (ECF No. 40) be, and the same hereby is, DENIED.

DATED October 28, 2016.

James C. Mahan
UNITED STATES DISTRICT JUDGE

James C. Mahan
U.S. District Judge